

vijay k. toke  
vijay@cobaltlaw.com  
510.841.9800

FILED VIA ECF

August 13, 2015

Hon. Cathy Seibel  
United States Judge  
Charles L. Bricant United States Courthouse  
300 Quarropas Street  
White Plains, NY 10601-4150

RE: The Wave Studio, LLC v. United Airlines, Inc.  
Case No. 7:15-cv-05392-CS

The Wave Studio, LLC v. General Hotel Management Ltd., et al.  
Case No. 7:13-cv-09239-CS-PED

Dear Judge Seibel:

Plaintiff, The Wave Studio LLC, submits this letter in response to Defendant United Airlines, Inc.'s ("United") pre-letter motion to the Court of July 30, 2015 requesting a pre-motion conference on United's intended motion to consolidate this action with The Wave Studio, LLC v. General Hotel Management Ltd., et al., Case No. 7:13-CV-9239-CS-PED ("GHM Litigation").

As further articulated in Plaintiff's letter response to American Express's Motion to Stay (Docket No. 47), Plaintiff asserts that a stay as to parties that did not receive the infringing photographs directly from GHM is not appropriate. Infringing photographs from unknown sources (i.e., not GHM) are not related in any way to GHM. As to those defendants, the issues currently being litigated with GHM are irrelevant, and the stay is not appropriate. Therefore, unless the Court determines that the evidence submitted by United with its motion to stay establishes that GHM was the source of the infringing

Hon. Cathy Seibel  
August 13, 2015  
Page 2

photographs, Plaintiff does not agree that United should be subject to the stay currently in place in the GHM litigation.<sup>1</sup>

Respectfully submitted,

COBALT LLP

A handwritten signature in black ink, appearing to read "Vijay K. Toke", with a long horizontal stroke extending to the right.

Vijay K. Toke

VKT/na

---

<sup>1</sup> Plaintiff takes no position as to the propriety of the stay currently in place, agreed to by Plaintiff's prior counsel, and is therefore not requesting that the current stay be lifted as to any currently named defendants. However, Plaintiff reserves the right to challenge the stay at a later date. In the meantime, as it has before, Plaintiff requests that with any defendants added to the GHM Litigation—by amendment, consolidation, or otherwise—that such defendants be required to provide evidence of where they obtained the infringing photographs to determine whether or not they should be subject to the stay.